

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3014
)	
V.)	
)	
LAANTHONY CLETAE CAIN,)	MEMORANDUM
)	AND ORDER
)	
Defendant.)	

I am prepared to rule on the pending motion to reduce the defendant's sentence pursuant to the amended and retroactive "crack" Guidelines. I am inclined to reduce the defendant's sentence to 235 months in prison which is the maximum reduction allowed under the amendments. I am not, however, inclined to go below that sentence despite the defendant's request. The foregoing said, I will wait to rule because the defendant has a pending appeal regarding the denial of his § 2555 motion and I do not want to interfere with the appeal. Therefore,

IT IS ORDERED that my chambers shall call this case to my attention once the Court of Appeals has ruled on the pending appeal. The Clerk shall provide the Court of Appeals with a copy of this memorandum and order.

DATED this 7th day of April, 2009.

BY THE COURT:

S/Richard G. Kopf
United States District Judge